

REMARKS

Pursuant to 37 C.F.R. § 41.50(b), Appellant submits herewith appropriate amendments of the claims under appeal, 6 and 27-45. Pursuant to the Board's Decision On Appeal, the Examiner's rejection under 35 U.S.C. § 103 of claims 6 and 27-45 has been reversed.

The Board has entered a new ground of rejection under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Of particular importance to the Board was clarification of the term "characteristic" as used within the claims.

Claim 6 has been rewritten in independent form, incorporating the limitations of base claim 1, and clarifying the term "characteristic" by claiming in its place hardware elements disclosed within the specification as carrying out such characteristics. These are as follows:

- The "**serverless destination characteristic**" has been replaced by the remote mirroring units being directly coupled to the respective journey link. *See Application, p. 53, ll. 10-13.*
- The "**non-invasive characteristic**" and the "**disk emulation characteristic**" have been replaced by an interface configured to emulate a storage device coupled to the host, independent of an operating system of the host. *See Application, p. 53, line 16 – p. 54, line 2.*
- The "**multiplicity characteristic**" has been replaced by a local mirroring unit and a plurality of remote mirroring units coupled to the local mirroring unit. *See Application, p. 54, ll. 20-22.*
- The "**TCP journey line characteristic**" has been replaced by a TCP client in the local mirroring unit, a TCP server in each of the remote mirroring units, the buffer, and the meta-data block generator. *See Application, p. 54, ll. 3-10, p. 12, line 24, and p. 30, line 16 – p. 31, line 21.* "A journey line characteristic indicates that the high-bandwidth low-latency requirements imposed by SCSI, original Off-SiteServer serial connections, SAN connections, and the like are not present." *Application, p. 54, ll. 7-9.* The buffer tolerates a network outage, the lowest bandwidth connection possible. *Application, p. 31, ll. 16-18.*

No new matter has been added.

Similarly, claim 27 has been rewritten to clarify the term "characteristic," particularly the "disk emulation" and "many to one multiplicity" characteristics, and the claim has been reformatted to make the elements more clear. Claims dependent from claim 27 have been amended to comply with the rewriting of claim 27. Claim 41 has been amended to clarify the negative limitation. *See Application, p. 53, line 16 – p. 54, line 2.* No new matter has been added.

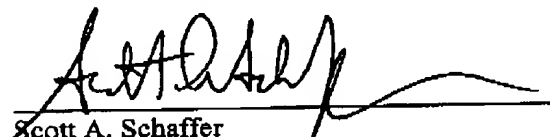
With respect to the meta-data block generator of claim 6 and 27, the combination of Staheli, Double-Take, and FrameRunner does not teach or suggest a local mirroring unit having a meta-data block generator. A meta-data block is a timestamp and possibly with other data such as a LBN (logical block number). *Application, p. 30, ll. 16-19.* The combination does not teach or suggest a timestamp as part of a meta-data block. Thus, claims 6 and 27 are patentably distinguishable over the combination of Staheli, Double-Take, and FrameRunner.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 6 and 27-45 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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